

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

EAGLE PHARMACEUTICALS, INC.,

Plaintiff,

v.

APOTEX INC., and APOTEX CORP.,

Defendants.

C.A. No. 24-64-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC.

Plaintiff,

v.

SLAYBACK PHARMA LLC,

Defendant.

C.A. No. 24-65-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC.

Plaintiff,

v.

BAXTER HEALTHCARE  
CORPORATION,

Defendant.

C.A. No. 24-66-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC., and  
EAGLE SUB1 LLC

Plaintiffs,

v.

APOTEX INC., and APOTEX CORP.,

Defendants.

C.A. No. 25-74-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC.,

Plaintiff,

v.

SLAYBACK PHARMA LLC and  
AZURITY PHARMACEUTICALS, INC.,

Defendants.

C.A. No. 25-75-JLH

**JURY TRIAL DEMANDED**

EAGLE PHARMACEUTICALS, INC., and  
EAGLE SUB1 LLC

Plaintiffs,

v.

BAXTER HEALTHCARE CORPORATION,

Defendant.

C.A. No. 25-79-JLH

**JURY TRIAL DEMANDED**

**[PROPOSED] SCHEDULING ORDER REGARDING  
CASE CONSOLIDATION AND COORDINATION**

WHEREAS, Plaintiffs Eagle Pharmaceuticals, Inc. and Eagle Sub1 LLC (collectively, “Eagle”), having filed herewith its Letter to the Honorable Jennifer L. Hall regarding Scheduling Discovery Dispute requesting that the Court consolidate the above-captioned cases;

WHEREAS, it would serve judicial economy for these actions to be coordinated, consolidated, and a joint schedule be entered;

**A. The Apotex Actions (C.A. Nos. 24-64 & 25-74)**

WHEREAS, Plaintiffs filed Civil Action No. 24-64 against Apotex Inc. and Apotex Corp. (collectively, “Apotex”), alleging infringement of United States Patent Nos. 11,844,783 (the “’783 patent”) and 11,872,214 (the “’214 patent”) (*see* D.I. 1 in C.A. No. 24-64 as amended at D.I. 22);

WHEREAS, Plaintiffs subsequently filed Civil Action No. 25-74 against Apotex, alleging infringement of United States Patent No. 12,138,248 (the “’248 patent”) (*see* D.I. 1 in C.A. No. 25-74 as amended at D.I. 12);

WHEREAS, Civil Action Nos. 24-64 & 25-74 are referred to as the “Apotex Actions”; and

WHEREAS, the Apotex Actions each involve common issues of law and fact and consolidation will enable more efficient case management by the Court and avoid unnecessary costs and delays by avoiding duplicative discovery and proceedings in each case;

**B. The Slayback Actions (C.A. Nos. 24-65 & 25-75)**

WHEREAS, Plaintiffs filed Civil Action No. 24-65 against Slayback Pharma LLC, alleging infringement of the ’783 patent and the ’214 patent (*see* D.I. 1 in C.A. No. 24-65 as amended at D.I. 17);

WHEREAS, Plaintiffs subsequently filed Civil Action No. 25-75 against Slayback Pharma LLC and Azurity Pharmaceuticals, Inc., alleging infringement of the ’248 patent (*see* D.I. 1 in

C.A. No. 25-75 as amended at D.I. 6);

WHEREAS, Civil Action Nos. 24-65 & 25-75 are referred to as the “Slayback Actions”; and

WHEREAS, the Slayback Actions each involve common issues of law and fact and consolidation will enable more efficient case management by the Court and avoid unnecessary costs and delays by avoiding duplicative discovery and proceedings in each case;

**C. The Baxter Actions (C.A. Nos. 24-66 & 25-79)**

WHEREAS, Plaintiffs filed Civil Action No. 24-66 against Baxter Healthcare Corporation (“Baxter”), alleging infringement of the ’783 patent and the ’214 patent (*see* D.I. 1 in C.A. No. 24-66 as amended at D.I. 18);

WHEREAS, Plaintiffs subsequently filed Civil Action No. 25-79 against Baxter, alleging infringement of the ’248 patent (*see* D.I. 1 in C.A. No. 25-79 as amended at D.I. 13);

WHEREAS, Civil Action Nos. 24-66 & 25-79 are referred to as the “Baxter Actions”; and

WHEREAS, the Baxter Actions each involve common issues of law and fact and consolidation will enable more efficient case management by the Court and avoid unnecessary costs and delays by avoiding duplicative discovery and proceedings in each case;

WHEREAS, the Court having considered the parties’ submissions and arguments;

\* \* \*

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2025 as follows:

1. Eagle’s request for entry of the below case consolidation and modified scheduling order is GRANTED.
2. The cases are consolidated and the scheduling order is modified as follows:

**A. Consolidation of the Apotex Actions (C.A. Nos. 24-64 & 25-74)**

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Apotex Actions are consolidated for all purposes;
2. Civil Action No. 24-64-JLH shall be the lead case, and all future filings in the Apotex Actions shall be made only in Civil Action No. 24-64-JLH (the “Consolidated Apotex Action”), and all future filings shall contain only the caption for the Consolidated Apotex Action.

**B. Consolidation of the Slayback Actions (C.A. Nos. 24-65 & 25-75)**

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Slayback Actions are consolidated for all purposes;
2. Civil Action No. 24-65-JLH shall be the lead case, and all future filings in the Slayback Actions shall be made only in Civil Action No. 24-65-JLH (the “Consolidated Slayback Action”), and all future filings shall contain only the caption for the Consolidated Slayback Action.

**C. Consolidation of the Baxter Actions (C.A. Nos. 24-66 & 25-79)**

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Baxter Actions are consolidated for all purposes;
2. Civil Action No. 24-66-JLH shall be the lead case, and all future filings in the Baxter Actions shall be made only in Civil Action No. 24-66-JLH (the “Consolidated Baxter Action”), and all future filings shall contain only the caption for the Consolidated Baxter Action.

**D. Coordination of the Consolidated Actions**

1. Although the Consolidated Apotex Action, Consolidated Slayback Action, and Consolidated Baxter Action will not themselves be consolidated, because these cases

share a common nucleus of facts, discovery, and pre-trial proceedings in the three consolidated actions should be coordinated to the extent reasonably practicable.<sup>1</sup>

Accordingly, the Consolidated Apotex Action, Consolidated Slayback Action, and Consolidated Baxter Action shall be coordinated for all pre-trial purposes.

2. All claim construction rulings issued by the Court from the previous claim construction hearing held on January 30, 2025 in C.A. 24-64-JLH; 24-65-JLH; 24-66-JLH (the “’783 and ’214 Patent Actions”) shall apply equally in C.A. 25-74-JLH; 25-75-JLH; 25-79-JLH (the “’248 Patent Actions”) and no new terms need to be construed in the ’248 Patent Actions.
3. The protective order entered in the ’783 and ’214 Patent Actions shall apply equally to the ’248 Patent Actions.
4. The scheduling order entered in the ’783 and ’214 Patent Actions and all deadlines and discovery limits set forth therein shall apply equally to the ’248 Patent Actions. In order to facilitate the consolidation and coordination of these cases consistent with this Order, the following amendments will apply to the coordinated case schedule, which shall apply in the Consolidated Apotex Action, Consolidated Slayback Action, and Consolidated Baxter Action:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiffs to Produce Initial Infringement Claim Chart for the ’248 Patent	--	Within 5 days of the date the Court enters this Order
Defendants to Produce Initial Invalidity Contentions and Invalidating References for the ’248 Patent	--	Within 30 days of the date that Plaintiffs serve their Initial Infringement Claim Chart for the ’248 Patent

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<sup>1</sup> Prior to the entry of this consolidation Order, the original Civil Action Nos. 24-64, 24-65, and 24-66 were already coordinated for scheduling purposes.

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Defendants' Final Identification of Invalidity References	Friday, June 13, 2025	No change
Plaintiff's Final Identification of Accused Products	Friday, June 13, 2025	No change
Plaintiff's Produce Final Infringement Contentions	Wednesday, June 18, 2025	No change
Defendants' Produce Final Invalidity Contentions	Wednesday, July 2, 2025	No change
Defendants Supplement Responses to Plaintiff's Final Infringement Contentions	Friday, July 11, 2025	No change
Plaintiff Supplement Responses to Defendants' Final Invalidity Contentions	Wednesday, July 23, 2025	No change
Close of Fact Discovery	Friday, August 1, 2025	No change
Opening Expert Reports	Friday, September 5, 2025	No change
Rebuttal Expert Reports	Friday, October 10, 2025	No change
Reply Expert Reports	Friday, November 7, 2025	No change
Close of Expert Discovery	Friday, December 12, 2025	No change
Dispositive Motions and <i>Daubert Motions</i>	Friday, January 23, 2026	No change
Answering Dispositive Motions and <i>Daubert Motions</i>	Friday, February 20, 2026	No change
Reply Dispositive Motions and <i>Daubert Motions</i>	Friday, March 6, 2026	No change
Hearing on Dispositive Motions and Daubert Motions	May 27, 2026 at 10 a.m.	No change
Parties to File Joint Proposed Final Pretrial Order	7 days before Pretrial Conference	No change
Parties to File Proposed Jury Instructions, Voir Dire, Verdict Forms	7 days before Pretrial Conference	No change
Final Pretrial Conference in <i>Eagle Pharmaceuticals Inc. v. Apotex, Inc.</i> , No. 24-64-JLH	July 13, 2026 at 3:00 p.m.	No change
Trial Begins in <i>Eagle Pharmaceuticals Inc. v. Apotex, Inc.</i> , No. 24-64-JLH	July 20, 2026	No change

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Final Pretrial Conference in <i>Eagle Pharmaceuticals, Inc. v. Slayback Pharma LLC</i> , No. 24-65-JLH	September 22, 2026 at 3:00 p.m.	No change
Trial Begins in <i>Eagle Pharmaceuticals, Inc. v. Slayback Pharma LLC</i> , No. 24-65-JLH	September 28, 2026	No change
Final Pretrial Conference in <i>Eagle Pharmaceuticals Inc. v. Baxter Healthcare Corp.</i> , No. 24-66-JLH	December 7, 2026 at 3:00 p.m.	No change
Trial Begins in <i>Eagle Pharmaceuticals Inc. v. Baxter Healthcare Corp.</i> , No. 24-66-JLH	December 14, 2026	No change
Joint Form of Order to Enter Judgment on the Verdict	7 days after verdict	No change
Joint Status Report re Post-Trial Motions	7 days after verdict	No change

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DATEUNITED STATES DISTRICT JUDGE

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